

Amendments to the Drawings:

The attached drawing sheets replace the original drawing sheets that included Figures 1-3. The replacement drawing sheets are submitted in order to present Figures 1-3 as formal drawings.

REMARKS

1. **Introduction**

In the Office Action mailed September 12, 2006, the Examiner rejected claims 1, 4-8, 18, 19, 22-24, and 26 under 35 U.S.C. § 102(b) as being anticipated by Love et al., U.S. Patent No. 6,034,971 (“Love”).

The Examiner rejected claims 2, 3, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Love in view of Kamel et al., U.S. Patent No. 6,697,343 (“Kamel”).

The Examiner indicated that claims 9-17 are allowable over the prior art of record. However, the Examiner objected to claim 9 because of informalities.

In this Response, Applicant has amended claims 1-6, 9, 18, and 20-21, and Applicant has canceled claims 7 and 8. Claim 25 was canceled previously. Thus, claims 1-6, 9-24, and 26 are currently pending.

For the reasons set forth below, Applicant requests reconsideration and allowance of the claims, as amended herein.

2. **Response to Claim Objections**

The Examiner objected to claim 9 because of informalities. Specifically, the Examiner indicated that the references to “energy-to-interface” in claim 9 should be changed to “energy-to-interference.” In response, Applicant has amended claim 9 as suggested by the Examiner.

3. **Response to Claim Rejections**

a. Claims 1-6

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 102 as being anticipated by Love. In response, Applicant has amended claim 1 to specify, *inter alia*,

that a *base station* measures the at least one level of interference and to specify that the interference that is measured is on a *reverse link* of an air interface. Support for the amendments to claim 1 may be found in the application at various places, for example, at page 13, line 8 – page 14, line 23. Applicant submits that amended claim 1 is clearly allowable over Love, as set forth below.

The Examiner has argued that the element of “measuring at least one level of interference over an air interface” in claim 1 is taught in Love, at col. 5, lines 9-11. That section of Love states: “When a mobile station detects poor frame error rate, it requests a higher gain setting for its associated forward link signal.” According to the Examiner, the “frame error rate” in Love corresponds to the “level of interference” recited in claim 1. However, even if one were to accept this asserted correspondence, it is clear that Love is describing a measurement by a *mobile station* of a *forward link* signal. *See also*, Love, col. 4, lines 26-27 and 56-60. In contrast, claim 1 has been amended to recite “a *base station* measuring at least one level of interference on a *reverse link* of an air interface.” Thus, amended claim 1 recites a measurement step that is quite different than that taught in Love.

Accordingly, Applicant submits that claim 1, as amended, is allowable over Love for at least the foregoing reasons. Applicant further submits that claims 2-6 are allowable for at least the reason that the claims are dependent on an allowable claim.

b. Claims 18-24 and 26

Of these claims, claim 18 is independent. The Examiner has rejected claim 18 under § 102 as being anticipated by Love. In response, Applicant has amended claim 18 to recite “measuring at least one level of interference *on a reverse link* of an air interface.” Support for this amendment may be found in the application at various places, for example, at page 13, line 8

– page 14, line 23. Applicant submits that amended claim 18 is clearly allowable over Love, as set forth below.

The Examiner has argued that the element of “measuring at least one level of interference over the air interface” in claim 18 is taught by Love, based on a comparison that is allegedly performed by AERGAC 105 in response to the detection of a frame error rate, as described in col. 5, lines 9-14. However, as described above for claim 1, the mobile station measures the frame error rate of a *forward link* signal. In contrast, claim 18 has been amended to recite measuring at least one level of interference on a *reverse link*.

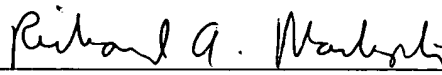
Accordingly, Applicant submits that claim 18, as amended, is allowable over Love for at least the foregoing reasons. Applicant further submits that claims 19-24 and 26 are allowable for at least the reason that the claims are dependent on an allowable claim.

4. Conclusion

Applicant submits that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

Date: December 5, 2006


Richard A. Machonkin
Reg. No. 41,962